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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/806,304	03/29/2001	Alain Brochez	BROC3001/JEK	6723

7590 11/20/2006

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EXAMINER

GARCIA, ERNESTO

ART UNIT PAPER NUMBER

3679

DATE MAILED: 11/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/806,304

Applicant(s)

BROCHEZ, ALAIN

Examiner

Ernesto Garcia

Art Unit

3679

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 August 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36,39,54-57 and 59-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36,39,54-57 and 59-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application
- ☐ Other: _____.

DETAILED ACTION

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Drawings

The drawings were received on August 23, 2006. These drawings are acceptable; however, the drawing changes raise new discrepancies.

The drawings are objected to because reference characters 9 and 10 (both in Figure 1) do not depict cavities or channel members as described in the specification, but rather the filling compound. Further, Figure 2 is not an actual cross-section of II-II in Figure 1 as amended.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "9" and "10" have both been used to designate the cavities or channel members in Figure 3 and 7, and filling compound in Figure 1.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "panel is retained by the frame members by a plurality of wedges in combination with a center portion of

the second leg" (claim 54, lines 15-16) and the "panel is retained by the frame members by a plurality of wedges in combination with the second leg" (claim 55, lines 15-16) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended". If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The marked-up copy of the substitute specification filed on January 31, 2003 still is either missing, lost, or not filed with the clean-copy of the substitute specification.

The examiner has inquired the scanning department for rescanning the case in case the marked-up copy was missed. However, no such paper is present among the papers of the file. Applicant is urged to resubmit a copy of the marked-up copy of the substitute specification to make the record complete.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the recitation "each of the insert parts includes at least one locking element having at least one notch disposed along a surface thereof, said at least one locking element arranged to abut a locking means defined along an outer wall of the respective attachment channel.

The disclosure is objected to because the description of the first leg and the second leg do not correspond to the description of the legs recited in the claims. For example, the specification describes the second leg 27 arranged against an inner wall of the attachment channel; yet, claims 36 and 54-56 define the first leg arranged against the inner wall instead (see claims 36 and claim 54, lines 9-10). Appropriate correction is required.

Claim Objections

Claims 56 and 59 are objected to because of the following informalities:

regarding claim 56, "part" in line 17 should be --parts--;

regarding claim 59, "means of" in line 8 should be deleted since it unnecessary.

Appropriate correction is required. For purposes of examining the instant invention, the examiner has assumed these corrections have been made.

Claim Rejections - 35 USC § 112

Claims 56, 57, 60, and 62-65 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Regarding claim 56, the specification does not have written description for "insert parts includes a resilient element comprising said first leg and a connecting leg situated in an extension of said first leg for connecting the end portion with the connecting end of the insert part; the end portion and the resilient element arranged so that the end portion places the resilient member in tension when inserted in to the respective

attachment channel" in lines 15-20. Applicant argues that Figure 1 and the discussion of the infeed (insert) parts provide support. In response, nothing in Figure 1 suggests that the insert parts are resilient. According to Figure 1, the cross-hatching shows insert parts made of metal, which is not a resilient material. Applicant further argues that the specification has support; yet, the applicant fails to specify where in the specification does it mention "insert (infeed) parts including a resilient element comprising said first leg".

Regarding claim 60, there is no support for "insert parts includes at least one locking element having at least one notch disposed along a surface thereof" recited in lines 2-3. Applicant has argued that the stop part 23 corresponds to the locking means and the surface 19 corresponds to the "surface thereof". Although the examiner does not disagree with the remarks, the language in the claim is not supported because the locking element, i.e., the stop part 23, does not have a notch. The notch 15 is not on the stop part 23 to constitute the stop part, i.e., the locking element, having the notch.

Regarding claims 57 and 62-65, the claims depend from claim 56 and therefore do not comply with the written requirement.

Claims 56 and 60-65 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 56, the recitation "the resilient member" in line 19 lacks proper antecedent basis. Note that a resilient "element" has been previously set forth.

Regarding claim 59, the recitation "where the free end of the lip projection makes contact with the first side", in lines 22-23, is misdescriptive since the free end 21 of the lip 13 does not make contact with the first side.

Regarding claim 60, it is unclear how the attachment channel, i.e., the cavity as originally filed, can have "the outer surface" recited in line 7. Applicant is reminded that attachment channels do not have an outer surface. Further, the recitation "the lip projection being deformable by the at least one locking element" in lines 7-8 is misdescriptive and/or inaccurate because it is unclear how the lip projection can be deformed by the locking element, i.e., the stop part 23. According to the specification, a tool, in a punching operation, deforms the lip projection instead of the locking element.

Regarding claims 57 and 62-65, the claims depend from claim 56 and therefore are indefinite.

Allowable Subject Matter

Claims 36, 39, 54-57, and 59-65 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

regarding claims 36 and 54-56, the prior art of record does not disclose or suggest a corner joint comprising a third leg extending obliquely relative to a first leg and a second leg in a direction generally proximal to the corner portion and connecting to the first leg;

regarding claims 39, 60, and 61, these claims depend from claim 36;

regarding claims 57 and 62-65, these claims depend from claim 56; and,

regarding claim 59, the prior art of record does not disclose or suggest a corner joint comprising a side of each notch over which a free end of a lip projection is pressed in having a concave bent or buckled shaped. The closes art, Ronnlund, EP-549,554, the French patent, FR-2,234,062, Bucci, US4,192,624, and German patent, DE-19,700,604, disclose a notch without a concave bent or being buckle shaped. There is no motivation, absent applicant's own disclosure, to modify the notch. Accordingly, the buckle shape realizes an efficient press-on.

Response to Arguments

Applicant's arguments filed August 23, 2006 have been fully considered but they are not persuasive.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. In particular, the recitations "while in a pressed-in configuration:" in claim 39, line 5, "the second leg of the insert part" in claim 39, line 7, "portions with the connecting ends" in claim 56, lines 17, "pressing in the upset material" in claim 59, line 9, "first side" in claim 59, line 23, and "an outer wall" in claim 60, line 4, necessitated the new grounds of rejection. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ernesto Garcia whose telephone number is 571-282-7083. The examiner can normally be reached from 9:30-5:30. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached at 571-272-7087.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL

E.G.

November 13, 2006



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